

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MELINDA PRESCOTT,

Plaintiff,

v.

CIV 18-0756 KBM/JHR

BRISTOL WEST INSURANCE COMPANY,

Defendant.

**ORDER SETTING CASE MANAGEMENT DEADLINES AND DISCOVERY
PARAMETERS**

THIS MATTER came before the Court on a Rule 16 scheduling conference held on September 18, 2018. Following a review of the attorneys' Joint Status Report and Provisional Discovery Plan, and after conferring with counsel, the Court will permit the following discovery:

- a) Maximum of fifty (50) Interrogatories per party;
- b) Maximum of fifty (50) Requests for Production per party;
- c) Maximum of fifty (50) Requests for Admission per party;
- d) Maximum of five (5) depositions per party; and
- e) Depositions of all parties/experts limited to seven (7) hours, except by agreement of the parties.
- f) Depositions of all other witnesses limited to four (4) hours, except by agreement of the parties.

Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline.

The Court has set the following management deadlines:

- a) Deadline for Plaintiff to move to amend pleadings/ add additional parties¹: September 21, 2018
- b) Deadline for Defendants to move to amend pleadings/add additional parties¹: October 5, 2018
- c) Plaintiffs' Rule 26(a)(2) expert disclosure²: February 18, 2019
- d) Defendants' Rule 26(a)(2) expert disclosure²: March 18, 2019
- e) Termination date for discovery: April 18, 2019
- f) Motions relating to discovery to be filed by: April 25, 2019
- g) Pretrial motions other than discovery motions (including motions which may require a *Daubert* hearing) filed by: May 30, 2019
- h) Pretrial Order from Plaintiff to Defendant by: July 18, 2019
- i) Pretrial Order to Court by: August 1, 2019

Pursuant to Federal Rule of Civil Procedure 16(b)(3)(B)(v), “before moving for an order relating to discovery, the movant must request a conference with the court” to attempt to informally resolve the dispute. Discovery motions that fail to conform to this requirement may

¹Federal Rule of Civil Procedure 16 requires that the Court set a deadline for amendment of pleadings and joinder of parties. A party seeking to amend the pleadings after the above dates must both demonstrate good cause to amend the scheduling order as required by Federal Rule of Civil Procedure 16(b) and satisfy the requirements for amendment under Federal Rule of Civil Procedure 15(a). *See, e.g., Gorsuch Ltd., B.C. v. Wells Fargo Nat. Bank Ass'n*, 771 F.3d 1230, 1242 (10th Cir. 2014).

² Parties must disclose the names of all expert witnesses, including treating physicians, the subject matter on which the experts will present evidence, and a summary of the facts and opinions to which the experts are expected to testify by this date. Experts who are retained or specifically employed to provide expert testimony must also submit an expert report by this date. *See Fed. R. Civ. P. 26(a)(2)*. The parties must have their retained expert(s) ready to be deposed at the time they identify them and provide their reports. Expert witnesses who are not required to provide a written report may be deposed before summary disclosure.

be summarily denied. Any extension of the case management deadlines must be approved by the Court. Any requests for additional discovery must be submitted to the Court by motion prior to the expiration of the discovery.



UNITED STATES MAGISTRATE JUDGE